

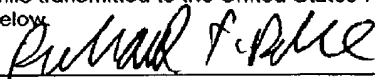
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Docket No.: 480821.90116

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Date of Signature  
and Deposit: September 7, 2004

  
Richard T. Roche, Reg. No. 38,599

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Andrew J. Turberfield *et al.*  
Application No.: 10/088,403  
Filing date: 11/11/2002  
Title: Photonic Crystal Materials  
Art Unit: 1752  
Examiner: Thorl Chea

**AMENDMENT AND RESPONSE**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action mailed on May 5, 2004. The three month deadline for response was August 5, 2004. Applicants attach a request for a one-month extension of time to extend the deadline to September 7, 2004 as September 5 was a Sunday and September 6 was the Federal Labor Day holiday.

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 6 of this paper.

- 1 -

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Attorneys at Law in  
Milwaukee and Madison, Wisconsin  
Naples and Boca Raton, Florida  
Phoenix and Tucson, Arizona  
Chicago, Illinois (Quarles & Brady LLC)

SEP 07 2004

## FAX TRANSMITTAL COVER SHEET

**To: Examiner Thorl Chea****FAX:** 17038729306**Phone:****From: Richard Roche****Phone:****FAX:** 414-978-8805**Number of Pages (including cover sheet):** 17**Date & Time Faxed:** Tuesday, September 07, 2004 5:15:22 PM**Message:**

Attached is an amendment for:

**Applicants:** Andrew J. Turberfield et al.  
**Application No.:** 10/088,403  
**Filing date:** 11/11/2002  
**Title:** Photonic Crystal Materials  
**Art Unit:** 1752  
**Examiner:** Thorl Chea

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PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$) 110.00

**Complete if Known**

|                      |                              |
|----------------------|------------------------------|
| Application Number   | 10/088.403                   |
| Filing Date          | 11/11/2002                   |
| First Named Inventor | Andrew J. Turberfield et al. |
| Examiner Name        | Thori Chea                   |
| Art Unit             | 1752                         |
| Attorney Docket No.  | 480821.90116                 |

**METHOD OF PAYMENT (check all that apply)**
☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number: 17-0055

Deposit Account Name: Quarles &amp; Brady LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

**FEE CALCULATION**
**1. BASIC FILING FEE**

| Large Entity        |          | Small Entity |          | Fee Description        | Fee Paid  |
|---------------------|----------|--------------|----------|------------------------|-----------|
| Fee Code            | Fee (\$) | Fee Code     | Fee (\$) |                        |           |
| 1001                | 770      | 2001         | 385      | Utility filing fee     |           |
| 1002                | 340      | 2002         | 170      | Design filing fee      |           |
| 1003                | 530      | 2003         | 265      | Plant filing fee       |           |
| 1004                | 770      | 2004         | 385      | Reissue filing fee     |           |
| 1005                | 160      | 2005         | 80       | Provisional filing fee |           |
| <b>SUBTOTAL (1)</b> |          |              |          |                        | (\$ 0.00) |

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

| Total Claims       |  | Extra Claims |  | Fee from below |  | Fee Paid |      |
|--------------------|--|--------------|--|----------------|--|----------|------|
| Independent        |  | -20*         |  | X              |  |          | 0.00 |
| Multiple Dependent |  | -3**         |  | X              |  |          | 0.00 |

| Large Entity        |          | Small Entity |          | Fee Description  |
|---------------------|----------|--------------|----------|--|
| Fee Code            | Fee (\$) | Fee Code     | Fee (\$) |  |
| 1202                | 18       | 2202         | 9        | Claims in excess of 20                                     |
| 1201                | 86       | 2201         | 43       | Independent claims in excess of 3                          |
| 1203                | 290      | 2203         | 145      | Multiple dependent claim, if not paid                      |
| 1204                | 86       | 2204         | 43       | ** Reissue independent claims over original patent         |
| 1205                | 18       | 2205         | 9        | ** Reissue claims in excess of 20 and over original patent |
| <b>SUBTOTAL (2)</b> |          |              |          |  |

\*\*or number previously paid, if greater. For Reissues, see above

**FEE CALCULATION (continued)**
**3. ADDITIONAL FEES**

| Large Entity |          | Small Entity |          | Fee Description  | Fee Paid |
|--------------|----------|--------------|----------|--|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |  |          |
| 1051         | 130      | 2051         | 65       | Surcharge - late filing fee or oath  |          |
| 1052         | 50       | 2052         | 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053         | 130      | 1053         | 130      | Non-English specification  |          |
| 1812         | 2,520    | 1812         | 2,520    | For filing a request for <i>ex parte</i> reexamination                     |          |
| 1804         | 920*     | 1804         | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805         | 1,840*   | 1805         | 1,840*   | Requesting publication of SIR after Examiner action                        | 110      |
| 1251         | 110      | 2251         | 55       | Extension for reply within first month                                     |          |
| 1252         | 420      | 2252         | 210      | Extension for reply within second month                                    |          |
| 1253         | 950      | 2253         | 475      | Extension for reply within third month                                     |          |
| 1254         | 1,480    | 2254         | 740      | Extension for reply within fourth month                                    |          |
| 1255         | 2,010    | 2255         | 1,005    | Extension for reply within fifth month                                     |          |
| 1401         | 330      | 2401         | 165      | Notice of Appeal   |          |
| 1402         | 330      | 2402         | 165      | Filing a brief in support of an appeal                                     |          |
| 1403         | 290      | 2403         | 145      | Request for oral hearing   |          |
| 1451         | 1,510    | 1451         | 1,510    | Petition to institute a public use proceeding                              |          |
| 1452         | 110      | 2452         | 55       | Petition to revive - unavoidable   |          |
| 1453         | 1,330    | 2453         | 665      | Petition to revive - unintentional   |          |
| 1501         | 1,330    | 2501         | 665      | Utility issue fee (or reissue)   |          |
| 1502         | 480      | 2502         | 240      | Design issue fee   |          |
| 1503         | 640      | 2503         | 320      | Plant issue fee  |          |
| 1480         | 130      | 1480         | 130      | Petitions to the Commissioner  |          |
| 1807         | 50       | 1807         | 50       | Processing fee under 37 CFR 1.17(q)  |          |
| 1806         | 180      | 1806         | 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021         | 40       | 8021         | 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809         | 770      | 2809         | 385      | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810         | 770      | 2810         | 385      | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801         | 770      | 2801         | 385      | Request for Continued Examination (RCE)                                    |          |
| 1802         | 900      | 1802         | 900      | Request for expedited examination of a design application                  |          |

Other fee (specify):

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$) 110.00

**SUBMITTED BY**

Name (Print/Type) Richard T. Roche

Registration No. 38,599

(Complete if applicable)

Telephone 414-277-5805

Signature

[Signature]

Date

9-7-04

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